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Attorneys for SUSSER BANK

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:	§	
	§	CASE NO. 23-32875
PSW URBAN HOMES, LP,	§	
	§	CHAPTER 11
DEBTOR.	§	

MOTION FOR EXPEDITED HEARING

TO THE HONORABLE STACEY G.C. JERNIGAN, U.S. BANKRUPTCY JUDGE:

COMES NOW Susser Bank (“Movant”), a secured creditor and party in interest herein, and files this its Motion for Expedited Hearing on its Emergency Motion for Relief From Automatic Stay Against Real Estate (“Motion for Relief”) filed on this date, and in support thereof would respectfully show the Court as follows:

1. Simultaneous with the filing of this Motion for Expedited Hearing, Movant filed the Motion for Relief. Movant respectfully requests that a hearing on the Motion for Relief be set on an expedited basis.

2. There is good cause to hear the Motion for Relief on an expedited basis. As set forth more fully in the Motion for Relief, this bankruptcy case was filed in bad faith and is a case of new debtor syndrome. Debtor has engaged in various acts and omissions which have frustrated Movant’s ability to foreclose on the collateral at issue in the Motion for Relief as authorized and

agreed to under the terms of the parties' loan agreement, applicable law, and the Receiver which authorized and filed this bankruptcy case on behalf of Debtor. Bad faith is further evidenced by the eve of bankruptcy transfer of real estate to this Debtor within 24-hours prior to the scheduled foreclosure sales to invoke the automatic stay and prevent the foreclosure sales. Expedited consideration of the Motion for Relief is requested so that Movant may expeditiously obtain relief from the automatic stay in order to repost the properties that are the subject of the Motion for Relief for foreclosure and conduct such sales without further delay prior to the next statutorily mandated foreclosure posting deadline of Tuesday, December 12, 2023. Movant respectfully requests that the hearing on the Motion for Relief be heard no later than Monday, December 11, 2023, to give Movant sufficient time to repost the properties for foreclosure in the event the Motion for Relief is granted.

3. Movant does not believe that any interested party will be prejudiced by the Motion for Relief being heard on an expedited basis. Because of the overall circumstances, including the good faith beliefs and competing interests of Debtor and Movant to the property and matters at issue, and so the parties can obtain prompt guidance from the Court, hearing the Motion for Relief on an expedited basis is reasonable and necessary in the opinion of Movant.

WHEREFORE, PREMISES CONSIDERED, Movant Susser Bank prays that its Motion for Expedited Hearing be granted, and for such other and further relief, at law or in equity, to which Movant may show itself to be justly entitled.

Date: December 6, 2023

Respectfully submitted,

POPE, HARDWICKE, CHRISTIE, SCHELL,
KELLY & TAPLETT, L.L.P.

By: /s/ Matthew T. Taplett
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ATTORNEYS FOR SUSSER BANK

CERTIFICATE OF CONFERENCE

I hereby certify that I contacted the attorney for the Debtor to discuss this Motion. The Debtor is opposed to the relief requested in this Motion.

/s/ Matthew T. Taplett
Matthew T. Taplett

CERTIFICATE OF SERVICE

This is to certify that on this 6th day of December 2023, a true and correct copy of this document was served via the ECF system or by U.S. first class mail, postage prepaid, on the following:

U.S. Trustee
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By: /s/Matthew T. Taplett
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